

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
**SENATE BILL NOS. 970, 968, 921,
867, 868 & 738**
91ST GENERAL ASSEMBLY

Reported from the Committee on Transportation, April 30, 2002, with recommendation that the House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 970, 968, 921, 867, 868 & 738 Do Pass.

TED WEDEL, Chief Clerk

3307L.12C

AN ACT

To repeal sections 136.055, 142.803, 144.020, 144.021, 144.805, 155.080, 226.030, 226.134, 226.200, 226.540, 226.550, 226.573, 226.580, 226.585, 226.670, 227.040, 227.050, 227.060, 227.100, 301.129, 302.720, 304.001, and 305.230, RSMo, and to enact in lieu thereof thirty-four new sections relating to transportation, with penalty provisions and a referendum clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 136.055, 142.803, 144.020, 144.021, 144.805, 155.080, 226.030, 226.134, 226.200, 226.540, 226.550, 226.573, 226.580, 226.585, 226.670, 227.040, 227.050, 227.060, 227.100, 301.129, 302.720, 304.001, and 305.230, RSMo, are repealed and thirty-four new sections enacted in lieu thereof, to be known as sections 43.272, 136.055, 142.803, 144.020, 144.021, 144.805, 155.080, 226.030, 226.134, 226.137, 226.200, 226.540, 226.550, 226.573, 226.580, 226.585, 226.670, 226.730, 227.040, 227.050, 227.060, 227.100, 227.107, 227.108, 234.032, 301.129, 302.720, 304.001, 304.370, 305.230, 307.205, 307.207, 307.209, and 307.211, to read as follows:

43.272. 1. There is hereby created in the state treasury the "Missouri State

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

2 **Highway Patrol Fund", which shall consist of moneys distributed pursuant to subsection**
3 **3 of section 144.020, RSMo. The fund shall be administered by the department of public**
4 **safety. Upon appropriation, moneys in the fund shall be used exclusively for purposes**
5 **authorized in this chapter.**

6 **2. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any**
7 **moneys remaining in the fund at the end of the biennium shall not revert to the credit of**
8 **the general revenue fund.**

9 **3. The state treasurer shall invest moneys in the fund in the same manner as other**
10 **funds are invested. Any interest and moneys earned on such investments shall be credited**
11 **to the fund.**

136.055. 1. Any person who is selected or appointed by the state director of revenue to
2 act as an agent of the department of revenue, whose duties shall be the sale of motor vehicle
3 licenses and the collection of motor vehicle sales and use taxes under the provisions of section
4 144.440, RSMo, and who receives no salary from the department of revenue, shall be authorized
5 to collect from the party requiring such services additional fees as compensation in full and for
6 all services rendered on the following basis:

7 (1) For each motor vehicle or trailer license sold, renewed or transferred--two dollars and
8 fifty cents beginning January 1, 1998; and four dollars beginning July 1, 2000[.]; **and five**
9 **dollars beginning August 28, 2002**, for those licenses biennially renewed pursuant to section
10 301.147, RSMo. **Beginning July 1, 2003, for each motor vehicle or trailer license sold,**
11 **renewed or transferred--three dollars and fifty cents and seven dollars for those licenses**
12 **sold or biennially renewed pursuant to section 301.147, RSMo;**

13 (2) For each application or transfer of title--two dollars and fifty cents beginning
14 January 1, 1998;

15 (3) For each chauffeur's, operator's or driver's license -- two dollars and fifty cents
16 beginning January 1, 1998; and four dollars beginning July 1, 2000[.]; **and five dollars**
17 **beginning July 1, 2003**, for six-year licenses issued or renewed;

18 (4) For each notice of lien processed--two dollars and fifty cents beginning August 28,
19 2000;

20 (5) No notary fee or other fee or additional charge shall be paid or collected except for
21 electronic telephone transmission reception--two dollars.

22 2. [This section shall not apply to agents appointed by the state director of revenue in any
23 city, other than a city not within a county, where the department of revenue maintains an office.]
24 All fees charged shall not exceed those in this section.

25 **3. Beginning July 1, 2003, the fees imposed by this section shall be collected by all**
26 **permanent branch offices and all full-time or temporary offices maintained by the**

27 **department of revenue. The fees collected pursuant to this section by all permanent**
28 **branch offices and all full time or temporary offices maintained by the department of**
29 **revenue shall be deposited in a subaccount of the state highways and transportation**
30 **department fund to be known as the "Department of Revenue Collection Subaccount"**
31 **which is hereby created. All fees collected by such offices shall be forwarded to the**
32 **director of revenue and deposited in the state treasury to the credit of the department of**
33 **revenue collection subaccount. Moneys from such subaccount shall be used, subject to**
34 **appropriation by the general assembly, by the department of revenue to pay for the cost**
35 **of collecting state revenues derived from highway users as an incident to their use or right**
36 **to use the highways of the state. Notwithstanding the provisions of section 33.080, RSMo,**
37 **to the contrary, moneys in the subaccount shall not be transferred to general revenue at**
38 **the end of each biennium.**

39 [3.] 4. Any person acting as agent of the department of revenue for the sale and issuance
40 of licenses and other documents related to motor vehicles shall have an insurable interest in all
41 license plates, licenses, tabs, forms and other documents held on behalf of the department.

42 [4.] 5. The fee increases authorized by this section and approved by the general assembly
43 were requested by the fee agents. All fee agent offices shall display a three foot by four foot sign
44 with black letters of at least three inches in height on a white background which states:

45 The increased fees approved by the
46 Missouri Legislature and charged by
47 this fee office were requested by the
48 fee agents.

142.803. 1. A tax is levied and imposed on all motor fuel used or consumed in this state
2 as follows:

3 (1) Motor fuel, seventeen cents per gallon[. Beginning April 1, 2008, the tax rate shall
4 become eleven cents per gallon];

5 (2) Alternative fuels, not subject to the decal fees as provided in section 142.869, with
6 a power potential equivalent of motor fuel. In the event alternative fuel, which is not commonly
7 sold or measured by the gallon, is used in motor vehicles on the highways of this state, the
8 director is authorized to assess and collect a tax upon such alternative fuel measured by the
9 nearest power potential equivalent to that of one gallon of regular grade gasoline. The
10 determination by the director of the power potential equivalent of such alternative fuel shall be
11 prima facie correct;

12 (3) Aviation fuel used in propelling aircraft with reciprocating engines, nine cents per
13 gallon as levied and imposed by section 155.080, RSMo, to be collected as required under this
14 chapter.

15 2. All taxes, surcharges and fees are imposed upon the ultimate consumer, but are to be
16 precollected as described in this chapter, for the facility and convenience of the consumer. The
17 levy and assessment on other persons as specified in this chapter shall be as agents of this state
18 for the precollection of the tax.

144.020. 1. A tax is hereby levied and imposed upon all sellers for the privilege of
2 engaging in the business of selling tangible personal property or rendering taxable service at
3 retail in this state. The rate of tax shall be as follows:

4 (1) Upon every retail sale in this state of tangible personal property, including but not
5 limited to motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats and outboard
6 motors, a tax equivalent to four percent of the purchase price paid or charged, or in case such sale
7 involves the exchange of property, a tax equivalent to four percent of the consideration paid or
8 charged, including the fair market value of the property exchanged at the time and place of the
9 exchange, except as otherwise provided in section 144.025;

10 (2) A tax equivalent to four percent of the amount paid for admission and seating
11 accommodations, or fees paid to, or in any place of amusement, entertainment or recreation,
12 games and athletic events;

13 (3) A tax equivalent to four percent of the basic rate paid or charged on all sales of
14 electricity or electrical current, water and gas, natural or artificial, to domestic, commercial or
15 industrial consumers;

16 (4) A tax equivalent to four percent on the basic rate paid or charged on all sales of local
17 and long distance telecommunications service to telecommunications subscribers and to others
18 through equipment of telecommunications subscribers for the transmission of messages and
19 conversations and upon the sale, rental or leasing of all equipment or services pertaining or
20 incidental thereto; except that, the payment made by telecommunications subscribers or others,
21 pursuant to section 144.060, and any amounts paid for access to the Internet or interactive
22 computer services shall not be considered as amounts paid for telecommunications services;

23 (5) A tax equivalent to four percent of the basic rate paid or charged for all sales of
24 services for transmission of messages of telegraph companies;

25 (6) A tax equivalent to four percent on the amount of sales or charges for all rooms,
26 meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore,
27 dining car, tourist cabin, tourist camp or other place in which rooms, meals or drinks are
28 regularly served to the public;

29 (7) A tax equivalent to four percent of the amount paid or charged for intrastate tickets
30 by every person operating a railroad, sleeping car, dining car, express car, boat, airplane and such
31 buses and trucks as are licensed by the division of motor carrier and railroad safety of the
32 department of economic development of Missouri, engaged in the transportation of persons for

33 hire;

34 (8) A tax equivalent to four percent of the amount paid or charged for rental or lease of
35 tangible personal property, provided that if the lessor or renter of any tangible personal property
36 had previously purchased the property under the conditions of "sale at retail" as defined in
37 subdivision [(8)] **(10)** of section 144.010 or leased or rented the property and the tax was paid
38 at the time of purchase, lease or rental, the lessor, sublessor, renter or subrenter shall not apply
39 or collect the tax on the subsequent lease, sublease, rental or subrental receipts from that
40 property. The purchase, rental or lease of motor vehicles, trailers, motorcycles, mopeds,
41 motortricycles, boats, and outboard motors shall be taxed and the tax paid as provided in this
42 section and section 144.070. In no event shall the rental or lease of boats and outboard motors
43 be considered a sale, charge, or fee to, for or in places of amusement, entertainment or recreation
44 nor shall any such rental or lease be subject to any tax imposed to, for, or in such places of
45 amusement, entertainment or recreation. Rental and leased boats or outboard motors shall be
46 taxed [under the provisions of] **pursuant to** the sales tax laws as provided under such laws for
47 motor vehicles and trailers. Tangible personal property which is exempt from the sales or use
48 tax [under] **pursuant to** section 144.030 upon a sale thereof is likewise exempt from the sales
49 or use tax upon the lease or rental thereof.

50 2. All tickets sold which are sold [under the provisions of] **pursuant to** sections 144.010
51 to 144.525 which are subject to the sales tax shall have printed, stamped or otherwise endorsed
52 thereon, the words "This ticket is subject to a sales tax.".

53 **3. (1) In addition to the tax levied and imposed pursuant to subdivisions (1) to (8)**
54 **of subsection 1 of this section, an additional tax of one percent is hereby levied and imposed**
55 **upon all sellers for the privilege of engaging in the business of selling tangible personal**
56 **property or rendering taxable service at retail in this state, and in addition to the tax levied**
57 **and imposed pursuant to section 144.440, there is hereby levied and imposed upon every**
58 **person for the privilege of using the highways or waterways of this state an additional tax**
59 **equivalent to one percent of the purchase price, as defined in section 144.070, which is paid**
60 **and charged on new and used motor vehicles, trailers, boats, and outboard motors**
61 **purchased or acquired for use on the highways or waters of this state which are required**
62 **to be registered pursuant to the laws of Missouri. Except for the revenue derived from the**
63 **additional one percent rate imposed upon the sale of motor vehicles, trailers, motorcycles,**
64 **and motortricycles, and the additional one percent imposed upon the purchase price of new**
65 **and used motor vehicles, trailers, boats, and outboard motors for the privilege of using the**
66 **highways or waterways of this state, which shall be distributed pursuant to article IV,**
67 **section 30(b) of the Missouri Constitution, the revenue derived from the additional one**
68 **percent rate imposed pursuant to this section shall be deposited and used exclusively as**

69 follows:

70 (a) One-fourth of such revenue to be deposited in the Missouri state highway patrol
71 fund; these funds shall not reduce or offset any future appropriation to the Missouri state
72 highway patrol and shall be in addition to any appropriation for the Missouri state
73 highway patrol.

74 (b) Twenty million dollars per year to be deposited in the state transportation fund;

75 (c) The remainder of such revenue to be deposited in the state road fund.

76 (2) The additional revenue derived from the tax imposed by this subsection shall
77 not be part of the total state revenue within the meaning of article X, sections 17 and 18 of
78 the Missouri Constitution. The expenditure of this revenue shall not be an expense of state
79 government pursuant to article X, section 20 of the Missouri Constitution. The additional
80 tax imposed by this subsection shall expire on December 31, 2022.

144.021. The purpose and intent of sections 144.010 to 144.510 is to impose a tax upon
2 the privilege of engaging in the business, in this state, of selling tangible personal property and
3 those services listed in section 144.020. The primary tax burden is placed upon the seller making
4 the taxable sales of property or service and is levied at the rate provided for in section 144.020.
5 Excluding sections 144.070, 144.440 and 144.450, the extent to which a seller is required to
6 collect the tax from the purchaser of the taxable property or service is governed by section
7 144.285 and in no way affects sections 144.080 and 144.100, which require all sellers to report
8 to the director of revenue their "gross receipts", defined herein to mean the aggregate amount of
9 the sales price of all sales at retail, and remit tax at [four] **five** percent of their gross receipts.

144.805. 1. In addition to the exemptions granted pursuant to the provisions of section
2 144.030, there shall also be specifically exempted from the provisions of sections 144.010 to
3 144.525, sections 144.600 to 144.748, and section 238.235, RSMo, and the provisions of any
4 local sales tax law, as defined in section 32.085, RSMo, and from the computation of the tax
5 levied, assessed or payable pursuant to sections 144.010 to 144.525, sections 144.600 to 144.748,
6 and section 238.235, RSMo, and the provisions of any local sales tax law, as defined in section
7 32.085, RSMo, all sales of aviation jet fuel in a given calendar year to common carriers engaged
8 in the interstate air transportation of passengers and cargo, and the storage, use and consumption
9 of such aviation jet fuel by such common carriers, if such common carrier has first paid to the
10 state of Missouri, in accordance with the provisions of this chapter, state sales and use taxes
11 pursuant to the foregoing provisions and applicable to the purchase, storage, use or consumption
12 of such aviation jet fuel in a maximum and aggregate amount of one million five hundred
13 thousand dollars of state sales and use taxes in such calendar year.

14 2. To qualify for the exemption prescribed in subsection 1 of this section, the common
15 carrier shall furnish to the seller a certificate in writing to the effect that an exemption pursuant

16 to this section is applicable to the aviation jet fuel so purchased, stored, used and consumed. The
17 director of revenue shall permit any such common carrier to enter into a direct-pay agreement
18 with the department of revenue, pursuant to which such common carrier may pay directly to the
19 department of revenue any applicable sales and use taxes on such aviation jet fuel up to the
20 maximum aggregate amount of one million five hundred thousand dollars in each calendar year.
21 The director of revenue shall adopt appropriate rules and regulations to implement the provisions
22 of this section, and to permit appropriate claims for refunds of any excess sales and use taxes
23 collected in calendar year 1993 or any subsequent year with respect to any such common carrier
24 and aviation jet fuel.

25 3. The provisions of this section shall apply to all purchases and deliveries of aviation
26 jet fuel from and after May 10, 1993.

27 4. [Effective September 1, 1998,] All sales and use tax revenues upon aviation jet fuel
28 received pursuant to this chapter, less the amounts specifically designated pursuant to the
29 constitution or pursuant to section 144.701, for other purposes, shall be deposited to the credit
30 of the aviation trust fund established pursuant to section 305.230, RSMo[; provided however,
31 the amount of such state sales and use tax revenues deposited to the credit of such aviation trust
32 fund shall not exceed five million dollars in each calendar year].

33 5. The provisions of this section and section 144.807 shall expire on December 31,
34 [2003] **2008**.

155.080. 1. There is hereby imposed a use tax on each gallon of aviation fuel used in
2 propelling aircraft with reciprocating engines. The tax is imposed at the rate of nine cents per
3 gallon. Such tax is to be collected and remitted to this state or paid to this state in the same
4 manner and method and at the same time as is prescribed by chapter 142, RSMo, for the
5 collection of the motor fuel tax imposed on each gallon of motor fuel used in propelling motor
6 vehicles upon the public highways of Missouri.

7 2. All applicable provisions contained in chapter 142, RSMo, governing administration,
8 collection and enforcement of the state motor fuel tax shall apply to this section, including but
9 not limited to reporting, penalties and interest.

10 3. Each commercial agricultural aircraft operator may apply for a refund of the tax it has
11 paid for aviation fuel used in a commercial agricultural aircraft. All such applications for refunds
12 shall be made in accordance with the procedures specified in chapter 142, RSMo, for refunds of
13 motor fuel taxes paid. If any person who is eligible to receive a refund of aviation fuel tax fails
14 to apply for a refund as provided in chapter 142, RSMo, [he makes a gift of his refund to the
15 aviation trust fund] **the refund amount shall be deposited to the credit of the aviation trust**
16 **fund pursuant to section 305.230, RSMo.**

226.030. [The state highways and transportation commission shall consist of six

2 members, who shall be appointed by the governor, by and with the advice and consent of the
3 senate, not more than three thereof to be members of the same political party. Each
4 commissioner shall be a taxpayer and resident of state for at least five years prior to his
5 appointment. Any commissioner may be removed by the governor if fully satisfied of his
6 inefficiency, neglect of duty, or misconduct in office. All commissioners appointed prior to
7 October 13, 1965, shall serve the term for which they were appointed. Commissioners appointed
8 pursuant to this section shall be appointed for terms of six years. Upon the expiration of each
9 of the foregoing terms of these commissioners a successor shall be appointed for a term of six
10 years or until his successor is appointed and qualified which term of six years shall thereafter be
11 the length of term of each member of the commission unless removed as above provided. The
12 members of the commission shall receive as compensation for their services twenty-five dollars
13 per day for the time spent in the performance of their official duties, and also their necessary
14 traveling and other expenses incurred while actually engaged in the discharge of their official
15 duties.]

16 **1. A transportation commission appointed by the governor, by and with the advice**
17 **and consent of the senate, shall consist of six members appointed to six-year terms, except**
18 **that the present members of the transportation commission shall serve for the remainder**
19 **of their terms as follows: members whose terms otherwise expire December 1, 2003, shall**
20 **serve with terms expiring July 1, 2004; a member whose term otherwise expires December**
21 **1, 2005, shall serve with a term expiring July 1, 2006; a member whose term otherwise**
22 **expires December 1, 2007, shall serve with a term expiring July 1, 2008; and of the**
23 **members whose terms otherwise expire December 13, 2007, one member shall serve with**
24 **a term expiring July 1, 2006, and the other member shall serve with a term expiring July**
25 **1, 2008, as determined by the governor. The house and senate leadership, which shall**
26 **mean the speaker of the house of representatives, the president pro tempore of the senate,**
27 **and the minority floor leaders of the house and of the senate, from the same political party**
28 **shall by party supply three candidates to the governor for selection as members of the**
29 **commission. The governor shall select one candidate from each party. The candidates**
30 **shall be appointed by July first in even-numbered years. In the event of a vacancy on the**
31 **commission, the house and senate leadership of that political party of the vacating member**
32 **shall submit three candidates for selection as a member to the commission to the governor**
33 **within thirty days of the vacancy. The governor shall have fifteen days to select a new**
34 **member of the commission. The new member of the commission shall serve only the**
35 **remainder of the unexpired six-year term of the vacating member.**

36 **2. No more than one-half of the members of the transportation commission shall**
37 **be of the same political party. The selection and removal of all employees of the department**

38 of transportation shall be without regard to political affiliation.

39 **3. The present members of the transportation commission shall serve as members**
40 **of the transportation commission for the remainder of the terms for which they were**
41 **appointed, except as provided in subsection 2 of this section.**

42 **4. All references to the highway commission or the highways and transportation**
43 **commission and the department of highways in the statutes shall mean the transportation**
44 **commission and the department of transportation.**

226.134. All projects funded by bonds authorized in section 226.133 and **226.137** shall
2 be funded in conformity with the priorities established in the 1992 plan developed by the
3 transportation department.

226.137. **1. The general assembly may authorize the highways and transportation**
2 **commission to issue bonds or other evidence of indebtedness from fiscal year 2007 to fiscal**
3 **year 2022. The principal amount of such bonds shall be no less than one hundred fifty**
4 **million dollars nor greater than two hundred fifty million dollars in any one fiscal year.**
5 **Net proceeds, after costs of issuance have been paid, from the issuance of the bonds shall**
6 **be provided to the highways and transportation commission to pay for the cost of**
7 **construction engineering and construction. The proceeds from the bonds shall not be used**
8 **to pay for administrative expenses, including but not limited to planning and design**
9 **expenses. Contracted final design shall not be considered an administrative expense, but**
10 **shall not exceed seven percent of any project.**

11 **2. To obtain authorization for the issuance of bonds, the highways and**
12 **transportation commission shall annually present to the general assembly, by the tenth**
13 **legislative day, a proposed plan and an analysis demonstrating the feasibility and**
14 **appropriateness thereof. The plan to issue bonds shall become effective no later than**
15 **forty-five calendar days after the plan proposed by the highways and transportation**
16 **commission is submitted to a regular session of the general assembly, unless it is**
17 **disapproved within forty-five calendar days of its submission to a regular session by a**
18 **concurrent resolution introduced within fourteen calendar days of the submission of the**
19 **plan to a regular session of the general assembly and adopted by a majority vote of the**
20 **elected members of each house. If no concurrent resolution disapproving of the highway**
21 **plan is introduced within fourteen calendar days of the submission of the plan to the**
22 **legislature, then the plan shall become effective immediately. The presiding officer of each**
23 **house in which a concurrent resolution disapproving of a plan to issue bonds has been**
24 **introduced, unless the resolution has been previously accepted or rejected by that house,**
25 **shall submit it to a vote of the membership not sooner than seven calendar days or later**
26 **than fourteen calendar days after introduction of the concurrent resolution pertaining to**

27 the department of transportation plan. The presiding officer of the house passing a
28 concurrent resolution disapproving of a plan to issue bonds shall immediately forward the
29 bill to the other house and the presiding officer of that house shall submit it to a vote of the
30 membership not sooner than seven calendar days or later than fourteen calendar days of
31 its receipt from the other legislative body. The plan submitted by the highways and
32 transportation commission shall not be subject to amendment by either chamber and may
33 only be rejected in its entirety.

34 3. The highways and transportation commission shall offer such bonds at public
35 sale or negotiated sale. The bonds shall be for a period of not less than ten years and not
36 more than twenty years from their date of issue and shall bear interest at a rate or rates
37 not exceeding the rate permitted by law.

38 4. The net proceeds of the sale or sales of any bonds issued pursuant to this section
39 shall be paid into the state road fund to be expended for the purpose specified pursuant to
40 section 226.220.

41 5. Bonds issued pursuant to this section shall be state road bonds as such term is
42 used in section 30(b) of article IV of the Missouri Constitution, and as such, principal and
43 interest payments on such bonds shall be made from the state road fund as provided in
44 section 30(b) of article IV of the Missouri Constitution. Bonds issued pursuant to this
45 section shall not be deemed to constitute a debt or liability of the state or a pledge of the
46 full faith and credit of the state, and the principal and interest on such bonds shall be
47 payable solely from the state road fund. Bonds issued pursuant to this section, the interest
48 thereon, or any proceeds from such bonds shall be exempt from taxation in the state of
49 Missouri for all purposes except for the state estate tax.

50 6. Bonds may be issued for the purpose of refunding, either at maturity or in
51 advance of maturity, any bonds issued pursuant to this section. The net proceeds of such
52 refunding bonds, after costs of issuance have been paid, may either be applied to the
53 payment of the bonds being refunded or deposited in trust and maintained in cash or
54 investments for the retirement of the bonds being refunded, as shall be specified by the
55 highways and transportation commission and the authorizing resolution or trust indenture
56 securing such refunding bonds. The authorizing resolution or trust indenture securing the
57 refunding bonds shall specify the amount and other terms of the refunding bonds and may
58 provide that the refunding bonds shall have the same security for their payment as
59 provided for the bonds being refunded. The refunding bonds shall be for a period of not
60 less than ten years and not more than twenty years from their date of issue and shall bear
61 interest at a rate or rates not exceeding the rate permitted by law. The principal amount
62 of refunding bonds issued pursuant to this section shall not be counted toward the limit on

63 **the principal amount of bonds permitted pursuant to this section.**

226.200. 1. There is hereby created a "State Highways and Transportation Department
2 Fund" into which shall be paid or transferred all state revenue derived from highway users as an
3 incident to their use or right to use the highways of the state, including all state license fees and
4 taxes upon motor vehicles, trailers, and motor vehicle fuels, and upon, with respect to, or on the
5 privilege of the manufacture, receipt, storage, distribution, sale or use thereof (excepting the sales
6 tax on motor vehicles and trailers, and all property taxes), and all other revenue received or held
7 for expenditure by or under the department of transportation or the state highways and
8 transportation commission, except:

- 9 (1) Money arising from the sale of bonds;
- 10 (2) Money received from the United States government; or
- 11 (3) Money received for some particular use or uses other than for the payment of
12 principal and interest on outstanding state road bonds.

13 2. Subject to the limitations of subsection 3 of this section, from said fund shall be paid
14 or credited the cost:

- 15 (1) Of collection of all said state revenue derived from highway users as an incident to
16 their use or right to use the highways of the state;
- 17 (2) Of maintaining the state highways and transportation commission;
- 18 (3) Of maintaining the state transportation department;
- 19 (4) Of any workers' compensation for state transportation department employees;
- 20 (5) Of the share of the transportation department in any retirement program for state
21 employees, only as may be provided by law; and
- 22 (6) Of administering and enforcing any state motor vehicle laws or traffic regulations.

23 3. [For all future fiscal years, the total amount of appropriations from the state highways
24 and transportation department fund for all state offices and departments shall not exceed the total
25 amount appropriated for such offices and departments from said fund for fiscal year 2001.]

26 **There is hereby established a limitation on expenditures from the state highways and**
27 **transportation department fund for the purposes specified in subdivisions (1) and (6) of**
28 **subsection 2 of this section. The purpose of this limitation is to ensure that adequate**
29 **funding is available from the state highways and transportation department fund to**
30 **support operation of the state highways and transportation commission and the**
31 **department of transportation.**

32 (1) The initial limit, which shall be in effect for fiscal year 2003, shall be equivalent
33 to the total fiscal year 2001 state highways and transportation department fund
34 appropriations for state offices and departments.

35 (2) For fiscal year 2004 and each fiscal year thereafter, the limit shall be determined

36 as follows:

37 (a) The state revenues paid or transferred into the state highways and
38 transportation department fund during the second preceding fiscal year shall be compared
39 to the total paid or transferred into said fund during the third preceding fiscal year to
40 determine the percentage by which the sum of the revenues and transfers to the fund
41 increased or decreased; and

42 (b) If the sum of the revenues and transfers increased, the limit in effect during the
43 preceding fiscal year shall be adjusted by the percentage increase; and

44 (c) If the sum of the revenues and transfers decreased, the limit shall remain the
45 same as in the preceding fiscal year;

46 (3) Notwithstanding the provisions of subdivision (2) of this subsection, provided
47 an increase in funding for transportation purposes is approved by the ninety-first general
48 assembly, second regular session and also approved by the voters, the expenditure limit in
49 effect for fiscal year 2004 shall be determined as follows:

50 (a) The state revenues paid or transferred into the state highways and
51 transportation department fund during fiscal year 2004 shall be compared to the total paid
52 or transferred into said fund during fiscal year 2003 to determine the percentage by which
53 the sum of the revenues and transfers to the fund increased or decreased; and

54 (b) If the sum of the revenues and transfers increased, the limit in effect during the
55 preceding fiscal year shall be adjusted by the percentage increase; and

56 (c) If the sum of the revenues and transfers decreased, the limit shall remain the
57 same as in the preceding fiscal year.

58 (4) In the event that expenditures from the state highways and transportation
59 department fund exceed the limit established by this section, the commissioner of
60 administration shall transfer said amount from the general revenue fund to the state road
61 fund. Said transfer shall occur in the fiscal year immediately following the fiscal year in
62 which the limitation was exceeded.

63 4. The provisions of subsection 3 of this section shall not apply to appropriations from
64 the state highways and transportation department fund to the highways and transportation
65 commission and the state transportation department or to appropriations to the office of
66 administration for department of transportation employee fringe benefits and OASDHI payments,
67 or to appropriations to [the department of revenue for motor vehicle fuel tax refunds under
68 chapter 142, RSMo, or to appropriations to the department of revenue for refunds or
69 overpayments or erroneous payments from the state highways and transportation department
70 fund] **any department for refunds, fringe benefits, and OASDHI payments.**

71 5. All interest earned upon the state highways and transportation department fund shall

72 be deposited in and to the credit of such fund.

73 6. Any balance remaining in said fund after payment of said costs shall be transferred
74 to the state road fund.

75 7. Notwithstanding the provisions of subsection 2 of this section to the contrary, any
76 funds raised as a result of increased taxation pursuant to sections 142.025 and 142.372, RSMo,
77 after April 1, 1992, shall not be used for administrative purposes or administrative expenses of
78 the transportation department.

226.540. Notwithstanding any other provisions of sections 226.500 to 226.600, outdoor
2 advertising shall be permitted within six hundred and sixty feet of the nearest edge of the
3 right-of-way of [any interstate or primary highway] **highways located on the interstate,**
4 **federal-aid primary system as it existed on June 1, 1991, or the national highway system**
5 **as amended** in areas zoned industrial, commercial or the like and in unzoned commercial and
6 industrial areas as defined in this section, subject to the following regulations which are
7 consistent with customary use in this state:

8 (1) Lighting:

9 (a) No revolving or rotating beam or beacon of light that simulates any emergency light
10 or device shall be permitted as part of any sign. No flashing, intermittent, or moving light or
11 lights will be permitted except scoreboards and other illuminated signs designating public service
12 information, such as time, date, or temperature, or similar information, will be allowed; **tri-**
13 **vision, projection and other changeable message signs shall be allowed subject to Missouri**
14 **highway and transportation commission regulations;**

15 (b) External lighting, such as floodlights, thin line and gooseneck reflectors are
16 permitted, provided the light source is directed upon the face of the sign and is effectively
17 shielded so as to prevent beams or rays of light from being directed into any portion of the main
18 traveled way of the federal-aid primary highways as of June 1, 1991, and all highways designated
19 as part of the National Highway System by the National Highway System Designation Act of
20 1995 and those highways subsequently designated as part of the National Highway System and
21 the lights are not of such intensity so as to cause glare, impair the vision of the driver of a motor
22 vehicle, or otherwise interfere with a driver's operation of a motor vehicle;

23 (c) No sign shall be so illuminated that it interferes with the effectiveness of, or obscures,
24 an official traffic sign, device, or signal;

25 (2) Size of signs:

26 (a) The maximum area for any one sign shall be eight hundred square feet with a
27 maximum height of thirty feet and a maximum length of seventy-two feet, inclusive of border
28 and trim but excluding the base or apron, supports, and other structural members. The area shall
29 be measured as established **herein and** in rules promulgated by the commission. In determining

30 the size of a **conforming or nonconforming** sign structure, temporary cutouts and extensions
31 installed for the length of a specific display contract shall not be [included in calculating]
32 **considered a substantial increase to** the size of the permanent display; provided the actual
33 square footage of such temporary cutouts or extensions may not exceed thirty-three percent of
34 the permanent display area. **Signs erected in accordance with the provisions of sections**
35 **226.500 to 226.600 prior to the effective date of this provision which fail to meet the**
36 **requirements of this provision shall be deemed legal nonconforming as defined herein;**

37 (b) The maximum size limitations shall apply to each side of a sign structure, and signs
38 may be placed back to back, double faced, or in V-type construction with not more than two
39 displays to each facing, but such sign structure shall be considered as one sign;

40 (c) After August 28, 1999, no new sign structure shall be erected in which two or more
41 displays are stacked one above the other. Stacked structures existing on or before August 28,
42 1999, in accordance with sections 226.500 to 226.600 shall [not] be deemed **legal**
43 nonconforming [for failure to meet the requirements of this section until such sign's structure is
44 modified, repaired, replaced or rebuilt] **and may be maintained in accordance with the**
45 **provisions sections of 226.500 to 226.600.** Structures displaying more than one display on a
46 horizontal basis shall be allowed, provided that total display areas do not exceed the maximum
47 allowed square footage for a sign structure pursuant to the provisions of paragraph (a) of
48 subdivision (2) of this section;

49 (3) Spacing of signs:

50 (a) **On all** interstate highways, [and] freeways [on the] **and nonfreeway** federal-aid
51 primary highways as of June 1, 1991, and all highways designated as part of the National
52 Highway System by the National Highway System Designation Act of 1995 and those highways
53 subsequently designated as part of the National Highway System:

54 a. No sign structure shall be erected within [five hundred] **one thousand four hundred**
55 feet of an existing sign on the same side of the highway;

56 b. Outside of incorporated municipalities, no structure may be located adjacent to or
57 within five hundred feet of an interchange, intersection at grade, or safety rest area. Such five
58 hundred feet shall be measured from the beginning or ending of the pavement widening at the
59 exit from or entrance to the main traveled way. For purpose of this subparagraph, the term
60 "incorporated municipalities" shall include "urban areas", except that such "urban areas" shall
61 not be considered "incorporated municipalities" if it is finally determined that such would have
62 the effect of making Missouri be in noncompliance with the requirements of Title 23, United
63 States Code, Section 131;

64 (b) [Nonfreeway federal-aid primary highways as of June 1, 1991, and all highways
65 designated as part of the National Highway System by the National Highway System Designation

66 Act of 1995 and those highways subsequently designated as part of the National Highway
67 System:

68 a. Outside incorporated municipalities, no structure shall be erected within five hundred
69 feet of an existing sign on the same side of the highway. Sign structures existing prior to August
70 28, 1999, which complied with the requirements of this section when erected shall not be
71 deemed nonconforming for failure to comply with the spacing provisions of this section until
72 such sign's structure is modified, repaired, replaced or rebuilt;

73 b. Within incorporated municipalities, no structure shall be erected within five hundred
74 feet of an existing sign. Sign structures existing prior to August 28, 1999, which complied with
75 the requirements of this section when erected shall not be deemed nonconforming for failure to
76 comply with the spacing provisions of this section until such sign's structure is modified,
77 repaired, replaced or rebuilt;

78 (c)] The spacing between structure provisions of subdivision (3) of this section do not
79 apply to signs which are separated by buildings, natural surroundings, or other obstructions in
80 such manner that only one sign facing located within such distance is visible at any one time.
81 Directional or other official signs or those advertising the sale or lease of the property on which
82 they are located, or those which advertise activities on the property on which they are located,
83 including products sold, shall not be counted, nor shall measurements be made from them for
84 the purpose of compliance with spacing provisions;

85 [(d)] (c) No sign shall be located in such manner as to obstruct or otherwise physically
86 interfere with the effectiveness of an official traffic sign, signal, or device or obstruct or
87 physically interfere with a motor vehicle operator's view of approaching, merging, or intersecting
88 traffic;

89 [(e)] (d) The measurements in this section shall be the minimum distances between
90 outdoor advertising sign structures measured along the nearest edge of the pavement between
91 points directly opposite the signs along each side of the highway and shall apply only to outdoor
92 advertising sign structures located on the same side of the highway involved;

93 (4) As used in this section, the words "unzoned commercial and industrial land" shall
94 be defined as follows: that area not zoned by state or local law or ordinance and on which there
95 is located one or more permanent structures used for a commercial business or industrial activity
96 or on which a commercial or industrial activity is actually conducted together with the area along
97 the highway extending outwardly [six hundred] **seven hundred fifty** feet from and beyond the
98 edge of such activity. All measurements shall be from the outer edges of the regularly used
99 improvements, buildings, parking lots, landscaped, storage or processing areas of the commercial
100 or industrial activity and along and parallel to the edge of the pavement of the highway. [On
101 nonfreeway federal-aid primary highways as of June 1, 1991, and all highways designated as part

102 of the National Highway System by the National Highway System Designation Act of 1995 and
103 those highways subsequently designated as part of the National Highway System, where there
104 is an unzoned commercial or industrial area on one side of the road as described in this section,
105 the term "unzoned commercial or industrial land" shall also include those lands directly opposite
106 on the other side of the highway to the extent of the same dimensions.] Unzoned land shall not
107 include:

108 (a) Land on the opposite side of [an interstate or freeway primary] **the** highway from an
109 unzoned commercial or industrial area as defined in this section **and located adjacent to**
110 **highways located on the interstate, federal-aid primary system as it existed on June 1, 1991,**
111 **or the national highway system as amended, unless the opposite side of the highway**
112 **qualifies as a separate unzoned commercial or industrial area; or**

113 (b) Land zoned by a state or local law, regulation, or ordinance;

114 [(c) Land on the opposite side of a nonfreeway primary highway which is determined by
115 the proper state authority to be a scenic area;]

116 (5) "Commercial or industrial activities" as used in this section means those which are
117 generally recognized as commercial or industrial by zoning authorities in this state, except that
118 none of the following shall be considered commercial or industrial:

119 (a) Outdoor advertising structures;

120 (b) Agricultural, forestry, ranching, grazing, farming, and related activities, including
121 seasonal roadside fresh produce stands;

122 (c) Transient or temporary activities;

123 (d) Activities more than six hundred sixty feet from the nearest edge of the right-of-way
124 or not visible from the main traveled way;

125 (e) Activities conducted in a building principally used as a residence;

126 (f) Railroad tracks and minor sidings;

127 (6) The words "unzoned commercial or industrial land" shall also include all areas not
128 specified in this section which constitute an "unzoned commercial or industrial area" within the
129 meaning of the present Section 131 of Title 23 of the United States Code, or as such statute may
130 be amended. As used in this section, the words "zoned commercial or industrial area" shall refer
131 to those areas zoned commercial or industrial by the duly constituted zoning authority of a
132 municipality, county, or other lawfully established political subdivision of the state, or by the
133 state **and which is within seven hundred fifty feet of one or more permanent commercial**
134 **or industrial activities.** [Unzoned] Commercial or industrial activities as used in this section
135 are limited to those activities:

136 (a) In which the primary use of the property is commercial or industrial in nature;

137 (b) Which are clearly visible from the highway and recognizable as a commercial

138 business;

139 (c) Which are permanent as opposed to temporary or transitory and of a nature that
140 would customarily be restricted to commercial or industrial zoning in areas comprehensively
141 zoned; and

142 (d) In determining whether the primary use of the property is commercial or industrial
143 pursuant to paragraph (a) of this subdivision, the state highways and transportation commission
144 shall consider the following factors:

145 a. The presence of a permanent and substantial building;

146 b. The existence of utilities and [required] **local** business licenses, if any, for the
147 commercial activity;

148 c. On-premise signs or other identification;

149 d. [Communication with the business owner that can be accomplished at regular intervals
150 either in person, by telephone, by fax machine, by electronic mail or by some other business
151 means] **The presence of an owner or employee on the premises for at least 20 hours per**
152 **week;**

153 (7) In zoned commercial and industrial areas, whenever a state, county or municipal
154 zoning authority has adopted laws or ordinances which include regulations with respect to the
155 size, lighting and spacing of signs, which regulations are consistent with the intent of sections
156 226.500 to 226.600 and with customary use, then from and after the effective date of such
157 regulations, and so long as they shall continue in effect, the provisions of this section shall not
158 apply to the erection of signs in such areas. Notwithstanding any other provisions of this section,
159 after August 28, 1992, with respect to any outdoor advertising which is regulated by the
160 provisions of subdivision (1), (3) or (4) of section 226.520 or subsection 1 of section 226.527:

161 (a) No county or municipality shall issue a permit to allow a regulated sign to be newly
162 erected without a permit issued by the state highways and transportation commission;

163 (b) A county or municipality may charge a reasonable one-time permit or inspection fee
164 to assure compliance with local wind load and electrical requirements when the sign is first
165 erected, but a county or municipality may not charge a permit or inspection fee for such sign after
166 such initial fee. Changing the display face or performing routine maintenance shall not be
167 considered as erecting a new sign;

168 (8) The state highways and transportation commission on behalf of the state of Missouri,
169 may seek agreement with the Secretary of Transportation of the United States under Section 131
170 of Title 23, United States Code, as amended, that sections 226.500 to 226.600 are in
171 conformance with that Section 131 and provides effective control of outdoor advertising signs
172 as set forth therein. If such agreement cannot be reached and the penalties under subsection (b)
173 of Section 131 are invoked, the attorney general of this state shall institute proceedings described

174 in subsection (1) of that Section 131.

226.550. 1. No outdoor advertising which is regulated by subdivision (1), (3) or (4) of
2 section 226.520 or subsection 1 of section 226.527 shall be erected or maintained on or after
3 August 28, 1992, without a one-time permanent permit issued by the state highways and
4 transportation commission. Application for permits shall be made to the state highways and
5 transportation commission on forms furnished by the commission and shall be accompanied by
6 a permit fee of [twenty-eight dollars and fifty cents] **two hundred dollars** for all signs; except
7 that, tax-exempt religious organizations as defined in subdivision (11) of section 313.005,
8 RSMo, service organizations as defined in subdivision (12) of section 313.005, RSMo, veterans'
9 organizations as defined in subdivision (14) of section 313.005, RSMo, and fraternal
10 organizations as defined in subdivision (8) of section 313.005, RSMo, shall be granted a permit
11 for signs less than seventy-six square feet without payment of the fee. In the event a permit
12 holder fails to erect a sign structure within twenty-four months of issuance, said permit shall
13 expire and a new permit must be obtained prior to any construction.

14 2. No outdoor advertising which is regulated by subdivision (1), (3) or (4) of section
15 226.520 or subsection 1 of section 226.527 which was erected prior to August 28, 1992, shall
16 be maintained without a one-time permanent permit for outdoor advertising issued by the state
17 highways and transportation commission. If a one-time permanent permit was issued by the state
18 highways and transportation commission after March 30, 1972, and before August 28, 1992, it
19 is not necessary for a new permit to be issued. If a one-time permanent permit was not issued
20 for a lawfully erected and lawfully existing sign by the state highways and transportation
21 commission after March 30, 1972, and before August 28, 1992, a one-time permanent permit
22 shall be issued by the commission for each sign which is lawfully in existence on the day prior
23 to August 28, 1992, upon application and payment of a permit fee of [twenty-eight dollars and
24 fifty cents] **two hundred dollars**. All applications and fees due pursuant to this subsection shall
25 be submitted before December 31, 1992.

26 3. For purposes of sections 226.500 to 226.600, the terminology "structure lawfully in
27 existence" or "lawfully existing" sign or outdoor advertising shall, nevertheless, include the
28 following signs unless the signs violate the provisions of subdivisions (3) to (7) of subsection
29 1 of section 226.580:

30 (1) All signs erected prior to January 1, 1968;

31 (2) All signs erected before March 30, 1972, but on or after January 1, 1968, which
32 would otherwise be lawful but for the failure to have a permit for such signs prior to March 30,
33 1972, except that any sign or structure which was not in compliance with sizing, spacing,
34 lighting, or location requirements of sections 226.500 to 226.600 as the sections appeared in the
35 revised statutes of Missouri 1969, wheresoever located, shall not be considered a lawfully

36 existing sign or structure;

37 (3) All signs erected after March 30, 1972, which are in conformity with sections
38 226.500 to 226.600;

39 (4) All signs erected in compliance with sections 226.500 to 226.600, RSMo, prior
40 to the effective date of this act.

41 4. On or after August 28, 1992, the state highways and transportation commission may,
42 in addition to the fees authorized by subsections 1 and 2 of this section, collect a biennial
43 inspection fee every two years after a state permit has been issued. Biennial inspection fees due
44 after August 28, [1992] **2002, and prior to August 28, 2003**, shall be [twenty-eight dollars and
45 fifty cents] **fifty dollars. Biennial inspection fees due on or after August 28, 2003, shall be**
46 **seventy-five dollars. Biennial inspection fees due on or after August 28, 2004, shall be one**
47 **hundred dollars**; except that, tax-exempt religious organizations as defined in subdivision (11)
48 of section 313.005, RSMo, service organizations as defined in subdivision (12) of section
49 313.005, RSMo, veterans' organizations as defined in subdivision (14) of section 313.005,
50 RSMo, and fraternal organizations as defined in subdivision (8) of section 313.005, RSMo, shall
51 not be required to pay such fee.

52 5. [In order to effect collection from a sign owner of delinquent and unpaid biennial
53 inspection fees which are payable pursuant to this section, or delinquent removal costs pursuant
54 to section 226.580, the state highways and transportation commission may require any delinquent
55 fees to be paid before a permit is issued to the delinquent sign owner for any new sign.] **In order**
56 **to effect the more efficient collection of biennial inspection fees, the state highways and**
57 **transportation commission is encouraged to adopt a renewal system in which all permits**
58 **in a particular county are renewed in the same month. In conjunction with the conversion**
59 **to this renewal system, the state highways and transportation commission is specifically**
60 **authorized to prorate renewal fees based on changes in renewal dates.**

61 6. Sign owners or owners of the land on which signs are located must apply to the state
62 highways and transportation commission for biennial inspection and submit any fees as required
63 by this section on or before December 31, 1992. For a permitted sign which does not have a
64 permit, a permit shall be issued at the time of the next biennial inspection.

65 7. The state highways and transportation commission shall deposit all fees received for
66 outdoor advertising permits and inspection fees in the state road fund, keeping a separate record
67 of such fees, and the same may be expended by the commission in the administration of sections
68 226.500 to 226.600.

226.573. The state highways and transportation commission is authorized to adopt
2 administrative rules regulating the use of new technology in outdoor advertising as allowed under
3 federal regulations for federal-aid primary highways as of June 1, 1991, and all highways

4 designated as part of the National Highway System by the National Highway System Designation
5 Act of 1995 and those highways subsequently designated as part of the National Highway
6 System. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is
7 promulgated pursuant to the authority delegated in this section shall become effective only if it
8 has been promulgated pursuant to the provisions of chapter 536, RSMo. This section and
9 chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly
10 pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul
11 a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
12 proposed or adopted after [August 28, 1999,] **the effective date of this section** shall be invalid
13 and void.

226.580. 1. The following outdoor advertising within six hundred sixty feet of the
2 right-of-way of interstate or primary highways is deemed unlawful and shall be subject to
3 removal:

4 (1) Signs erected after March 30, 1972, contrary to the provisions of sections 226.500
5 to 226.600 and signs erected on or after January 1, 1968, but before March 30, 1972, contrary
6 to the sizing, spacing, lighting, or location provisions of sections 226.500 to 226.600 as they
7 appeared in the revised statutes of Missouri 1969; or

8 (2) Signs for which a permit is not obtained or a biennial inspection fee is [not paid as
9 prescribed in sections 226.500 to 226.600] **more than twelve months past due**; or

10 (3) Signs which are obsolete; (Signs shall not be considered obsolete solely because they
11 temporarily do not carry an advertising message.) or

12 (4) Signs that are not in good repair; or

13 (5) Signs not securely affixed to a substantial structure; or

14 (6) Signs which attempt or appear to attempt to regulate, warn, or direct the movement
15 of traffic or which interfere with, imitate, or resemble any official traffic sign, signal, or device;
16 or

17 (7) Signs which are erected or maintained upon trees or painted or drawn upon rocks or
18 other natural features.

19 2. Signs erected after August 13, 1976, beyond six hundred sixty feet of the right-of-way
20 outside of urban areas, visible from the main traveled way of the interstate or primary system and
21 erected with the purpose of their message being read from such traveled way, except those signs
22 described in subdivisions (1) and (2) of section 226.520 are deemed unlawful and shall be
23 subject to removal.

24 3. If a sign is deemed to be unlawful for any of the reasons set out in subsections 1 [and
25 2] **through 7** of this section, the state highways and transportation commission shall give notice
26 either by certified mail or by personal service to the owner or occupant of the land on which

27 advertising believed to be unlawful is located and the owner of the outdoor advertising structure.
28 Such notice shall specify the basis for the alleged unlawfulness, shall specify the remedial action
29 which is required to correct the unlawfulness and shall advise that a failure to take the remedial
30 action within [thirty] **sixty** days will result in the sign being removed. Within [thirty] **sixty** days
31 after receipt of the notice as to him, the owner of the land or of the structure may remove the sign
32 or may take the remedial action specified or may file an action for administrative review pursuant
33 to the provisions of sections 536.067 to 536.090, RSMo, to review the action of the state
34 highways and transportation commission, or he may proceed under the provisions of section
35 536.150, RSMo, as if the act of the highways and transportation commission was one not subject
36 to administrative review. Notwithstanding any other provisions of sections 226.500 to 226.600,
37 no outdoor advertising structure erected prior to August 28, 1992, defined as a "structure lawfully
38 in existence" or "lawfully existing", by subdivision (1), (2) or (3) of subsection 2 of section
39 226.550, shall be removed for failure to have a permit until a notice, as provided in this section,
40 has been issued which shall specify failure to obtain a permit or pay a biennial inspection fee as
41 the basis for alleged unlawfulness, and shall advise that failure to take the remedial action of
42 applying for a permit or paying the inspection fee within [thirty] **sixty** days will result in the sign
43 being removed. **Signs for which biennial inspection fees are delinquent shall not be**
44 **removed unless the fees are more than twelve months past due and actual notice of the**
45 **delinquency has been provided to the sign owner.** Upon application made within the
46 [thirty-day] **sixty-day** period as provided in this section, and accompanied by the fee prescribed
47 by section 226.550, together with any inspection fees that would have been payable if a permit
48 had been timely issued, the state highways and transportation commission shall issue a one-time
49 permanent permit for such sign. Such signs with respect to which permits are so issued are
50 hereby determined by the state of Missouri to have been lawfully erected within the meaning of
51 "lawfully erected" as that term is used in Title 23, United States Code, section 131(g), as
52 amended, and shall only be removed upon payment of just compensation, except that the
53 issuance of permits shall not entitle the owners of such signs to compensation for their removal
54 if it is finally determined that such signs are not "lawfully erected" as that term is used in section
55 131(g) of Title 23 of the United States Code.

56 4. If **actual** notice as provided in this section is given and neither the remedial action
57 specified is taken nor an action for review is filed, or if an action for review is filed and is finally
58 adjudicated in favor of the state highways and transportation commission, the state highways and
59 transportation commission shall have authority to immediately remove the unlawful outdoor
60 advertising. The owner of the structure shall be liable for the costs of such removal. The
61 commission shall incur no liability for causing this removal, except for damage caused by
62 negligence of the commission, its agents or employees.

63 5. If notice as provided in this section is given and an action for review is filed under the
 64 provisions of section 536.150, RSMo, or if administrative review pursuant to the provisions of
 65 sections 536.067 to 536.090, RSMo, is filed and the state highways and transportation
 66 commission enters its final decision and order to remove the outdoor advertising structure, the
 67 advertising message contained on the structure shall be removed or concealed by the owner of
 68 the structure, at the owner's expense, until the action for judicial review is finally adjudicated.
 69 If the owner of the structure refuses or fails to remove or conceal the advertising message, the
 70 commission may remove or conceal the advertising message and the owner of the structure shall
 71 be liable for the costs of such removal or concealment. The commission shall incur no liability
 72 for causing the removal or concealment of the advertising message while an action for review
 73 is pending, except if the owner finally prevails in its action for judicial review, the commission
 74 will compensate the owner at the rate the owner is actually receiving income from the advertiser
 75 pursuant to written lease from the time the message is removed until the judicial review is final.

76 6. Any signs advertising tourist oriented type business will be the last to be removed.

77 7. Any signs prohibited by section 226.527 which were lawfully erected prior to August
 78 13, 1976, shall be removed pursuant to section 226.570.

79 8. The transportation department shall reimburse to the lawful owners of any said
 80 nonconforming signs that are now in existence as defined in sections 226.540, 226.550, 226.580
 81 and 226.585, said compensation calculated and/or based on a fair market value and not mere
 82 replacement cost.

226.585. 1. The state transportation department may cut and trim any vegetation on the
 2 highway right-of-way which interferes with the effectiveness of or obscures a lawfully erected
 3 billboard, or the highways and transportation commission shall promulgate reasonable rules and
 4 regulations to permit the cutting and trimming of such vegetation on the highway or right-of-way
 5 by the owner of such billboard. **The right to a vegetation permit by an outdoor advertising**
 6 **permit holder shall be issued in accordance with the rules and regulations promulgated by**
 7 **the highways and transportation commission.** Such rules and regulations shall be
 8 promulgated within twelve months after August 28, 1992, or the commission shall suspend the
 9 collection of the biennial inspection fees prescribed by section 226.550 until such rules are
 10 promulgated, and such rules may include authority to charge a reasonable fee for such
 11 [permission] **permit.** This section shall not apply if its implementation would have the effect
 12 of making Missouri be in noncompliance with requirements of Title 23, United States Code,
 13 section 131.

226.670. No person shall operate, establish, or maintain a junkyard, any portion of which
 2 is within one thousand feet of the nearest edge of the right-of-way of any interstate or primary
 3 highway, without obtaining a license from the state highways and transportation commission of

4 Missouri. The state highways and transportation commission shall have authority to issue a
 5 license for the establishment, operation, and maintenance of junkyards within the limits
 6 established in the preceding section and shall charge [an annual] **a permit** fee of [ten] **fifty**
 7 dollars, payable in advance. All licenses shall expire on the first day of January following the
 8 date of issue and the commission may charge a pro rata part of the annual license fee for portions
 9 of a year. Licenses shall be renewed from year to year on payment of [the license fee] **a twenty-**
 10 **five dollar renewal fee.** Such fee shall be deposited in the highway fund and be expended by
 11 the state highways and transportation commission in the administration of provisions of sections
 12 226.650 to 226.720.

226.730. If a junkyard violates any provision of sections 226.650 to 226.720, the
 2 **state highways and transportation commission is authorized to give notice of violation**
 3 **either by certified mail or by personal service to the owner or occupant of the land on**
 4 **which the junkyard is located and to the owner of the junkyard including any tenant**
 5 **interests. The notice of violation shall specify the reason for the violation and shall specify**
 6 **the remedial action which is required to correct the violation. Remedial action may include**
 7 **removal of the junkyard. The notice of violation shall also advise that a failure to take the**
 8 **remedial action within thirty days of receipt of the notice of violation or may request**
 9 **administrative review by the state highways and transportation commission of the notice**
 10 **of violation. Any administrative review shall be pursuant to chapter 536. The state**
 11 **highways and transportation commission is authorized to delegate the decision of**
 12 **administrative review to the hearing officer or to an appeals board. In the event of such**
 13 **delegation, the decision of the hearing officer or appeals board in the administrative review**
 14 **shall be considered the decision of the state highways and transportation commission. Any**
 15 **decision may be judicially reviewed pursuant to chapter 536. The state highways and**
 16 **transportation commission is authorized to remove or abate the junkyard at the cost of the**
 17 **owner of such junkyard if the specified remedial action is not taken and no timely request**
 18 **for administrative review is made or if any decision on administrative review is finally**
 19 **adjudicated in favor of the state highways and transportation commission. The**
 20 **commission shall incur no liability for causing the removal or abatement of the junkyard**
 21 **except for damage caused by the negligence of the commission, its agents, or employees.**

227.100. 1. All contracts for the construction of said work shall be let to the lowest
 2 responsible bidder or bidders after notice and publication of an advertisement in a newspaper
 3 published in the county where the work is to be done, and in such other publications as the
 4 commission may determine[]; provided, that in all cases where the project advertised shall be for
 5 the construction of more than ten miles of road, such advertisement shall provide for bids on
 6 sections of said road not to exceed ten miles, as well as on the project as a whole, and such

7 contract shall then be let so as to provide for the most economical construction of said project],
8 **provided, that all contracts for the construction of concrete-surfaced state highways shall**
9 **be let as provided herein in accordance with the lowest bid price upon the acceptance of**
10 **alternate bids submitted pursuant to plans and specifications for alternate construction by**
11 **portland cement concrete and asphaltic concrete of comparable design.**

12 2. Each bid shall be accompanied by a certified check or a cashier's check or a bid bond,
13 guaranteed by a surety company authorized by the director of the department of insurance to
14 conduct surety business in the state of Missouri, equal to five percent of the bid, which certified
15 check, cashier's check, or bid bond shall be deposited with the commissioner as a guaranty and
16 forfeited to the state treasurer to the credit of the state road fund in the event the successful
17 bidder fails to comply with the terms of the proposal, and return to the successful bidder on
18 execution and delivery of the performance bond provided for in subsection 4. The checks of the
19 unsuccessful bidders shall be returned to them in accordance with the terms of the proposal.

20 3. All notices of the letting of contracts under this section shall state the time and place
21 when and where bids will be received and opened, and all bids shall be sealed and opened only
22 at the time and place mentioned in such notice and in the presence of some member of the
23 commission or some person named by the commission for such purpose.

24 4. The successful bidders for the construction of said work shall enter into contracts
25 furnished and prescribed by the commission and shall give good and sufficient bond, in a sum
26 equal to the contract price, to the state of Missouri, with sureties approved by the commission
27 and to ensure the proper and prompt completion of said work in accordance with the provisions
28 of said contracts, and plans and specifications; provided, that if, in the opinion of the majority
29 of the members of the commission, the lowest bid or bids for the construction of any of the
30 roads, or parts of roads, herein authorized to be constructed, shall be excessive, then, and in that
31 event, said commission shall have the right, and it is hereby empowered and authorized to reject
32 any or all bids, and to construct, under its own direction and supervision, all of such roads and
33 bridges, or any part thereof.

227.107. 1. Notwithstanding any provision of section 227.100 to the contrary, as an
2 **alternative to the requirements and procedures specified by sections 227.040 to 227.100,**
3 **the state highways and transportation commission is authorized to enter into one highway**
4 **design-build project contract. The design-build pilot project authorized by this section**
5 **shall be selected by the highways and transportation commission from projects approved**
6 **by the East-West Gateway Coordinating Council and included in the statewide**
7 **transportation improvement program approved by the commission. Authority to enter**
8 **into design-build projects granted by this section shall expire on July 1, 2012, unless**
9 **extended by statute. Any design-build pilot project contract entered into before July 1,**

10 2012, may be continued to its completion through the design-build method of construction.

11 2. For the purpose of this section a "design-builder" is defined as an individual,
12 corporation, partnership, joint venture or other entity, including combinations of such
13 entities making a proposal to perform or performing a design-build highway project
14 contract.

15 3. For the purpose of this section, "design-build highway project contract" is
16 defined as the procurement of all materials and services necessary for the design,
17 construction, reconstruction or improvement of a state highway project in a single contract
18 with a design-builder capable of providing the necessary materials and services.

19 4. For the purpose of this section, "highway project" is defined as the design,
20 construction, reconstruction or improvement of highways or bridges under contract with
21 the state highways and transportation commission, which is funded by state, federal or
22 local funds or any combination of such funds.

23 5. In using a design-build highway project contract, the commission shall establish
24 a written procedure by rule for prequalifying design-builders before such design-builders
25 will be allowed to make a proposal on the project.

26 6. In any design-build highway project contract, whether involving state or federal
27 funds, the commission shall require that each person submitting a request for
28 qualifications provide a detailed disadvantaged business enterprise participation plan. The
29 plan shall provide information describing the experience of the person in meeting
30 disadvantaged business enterprise participation goals, how the person will meet the
31 department of transportation's disadvantaged business enterprise participation goal and
32 such other qualifications that the commission considers to be in the best interest of the
33 state.

34 7. The commission is authorized to issue a request for proposals to a maximum of
35 five design-builders prequalified in accordance with subsection 5 of this section.

36 8. The design-builder awarded the contract for such project shall perform work in
37 actual construction of the project amounting to not less than fifty percent of construction
38 costs. The commission may require approval of any person performing subcontract work
39 on the design-build highway project.

40 9. The bid bond and performance bond requirements of section 227.100 and the
41 payment bond requirements of section 107.170, RSMo, shall apply to the design-build
42 highway project.

43 10. The commission is authorized to prescribe the form of the contracts for the
44 work.

45 11. The commission is empowered to make all final decisions concerning the

46 performance of the work under the design-build highway project contract, including
47 claims for additional time and compensation.

48 12. The provisions of sections 8.285 to 8.291, RSMo, shall not apply to the
49 procurement of architectural, engineering or land surveying services for the design-build
50 highway project, except that any person providing architectural, engineering or land
51 surveying services for the design-builder on the design-build highway project must be
52 licensed in Missouri to provide such services.

53 13. The commission shall pay a reasonable stipend to prequalified responsive
54 design-builders who submit a proposal, but are not awarded the design-build highway
55 project.

56 14. The commission shall comply with the provisions of any act of congress or any
57 regulations of any federal administrative agency which provides and authorizes the use of
58 federal funds for highway projects using the design-build process.

59 15. The commission shall promulgate administrative rules to implement this section
60 or to secure federal funds. Such rules shall be published for comment in the Missouri
61 Register and shall include prequalification criteria, the make-up of the prequalification
62 review team, specifications for the design criteria package, the method of advertising,
63 receiving and evaluating proposals from design-builders, the criteria for awarding the
64 design-build highway project based on the design criteria package and a separate proposal
65 stating the cost of construction, and other methods, procedures and criteria necessary to
66 administer this section.

67 16. The commission shall make a status report to the members of the general
68 assembly and the governor following the award of the design-build project, as an
69 individual component of the annual report submitted by the commission to the joint
70 transportation oversight committee in accordance with the provisions of section 21.795,
71 RSMo. The annual report prior to advertisement of the design-build highway project
72 contracts shall state the goals of the project in reducing costs and/or the time of completion
73 for the project in comparison to the design-bid-build method of construction and objective
74 measurements to be utilized in determining achievement of such goals. Subsequent annual
75 reports shall include: the time estimated for design and construction of different phases
76 or segments of the project and the actual time required to complete such work during the
77 period; the amount of each progress payment to the design- builder during the period and
78 the percentage and a description of the portion of the project completed regarding such
79 payment; the number and a description of design change orders issued during the period
80 and the cost of each such change order; upon substantial and final completion, the total
81 cost of the design-build highway project with a breakdown of costs for design and

82 construction; and such other measurements as specified by rule. The annual report
83 immediately after final completion of the project shall state an assessment of the
84 advantages and disadvantages of the design-build method of contracting for highway and
85 bridge projects in comparison to the design-bid-build method of contracting and an
86 assessment of whether the goals of the project in reducing costs and/or the time of
87 completion of the project were met.

88 17. The commission shall give public notice of a request for qualifications in at least
89 two public newspapers that are distributed wholly or in part in this state and at least one
90 construction industry trade publication that is distributed nationally.

91 18. The commission shall publish its cost estimates of the design-build highway
92 project award and the desired project completion date along with its public notice
93 requesting qualifications of proposers for the design-build project.

94 19. If the commission fails to receive at least two responsive submissions from
95 design-builders considered qualified, submissions shall not be opened and it shall
96 readvertise the project.

227.040. The engineer shall proceed to cause surveys to be made of the state highway
2 system as designated in section 227.020, and to prepare detail plans and specifications for each
3 part thereof as soon as practicable; provided, however, that wherever surveys have heretofore
4 been made, it shall be the duty of the engineer, when practicable, to adopt and utilize such
5 surveys, together with plans and specifications if any have been made by the transportation
6 department; **provided, that all plans and specifications for concrete-surfaced roadway shall**
7 **include provisions for alternate construction by portland cement concrete and asphaltic**
8 **concrete of comparable design.**

227.050. The engineer shall, as soon as practicable, submit to the commission in writing
2 [his] recommendations as to detail plans, width of right-of-way and surfaced roadway and type
3 and character of construction for each county, and at the same time furnish a copy thereof to the
4 county clerk for public information. The commission may approve, disapprove, modify or
5 amend the proposals so recommended, [and the] **provided that all proposals approved for**
6 **concrete-surfaced roadway shall include provisions for alternate construction by portland**
7 **cement concrete and asphaltic concrete of comparable design. The action of the commission**
8 **thereon shall be the action of the department on such subject, and shall not be modified or**
9 **disturbed except by subsequent action of the commission.**

227.060. The commission shall determine the width of the right-of-way and of the
2 surface roadway of state highways and shall also determine the type and character of
3 construction. **Every determination of the type and character of construction for concrete-**
4 **surfaced roadway shall make provision for alternate construction by portland cement**

5 **concrete and asphaltic concrete of comparable design.** In making decision as to widths, types
6 and character of construction, there shall be taken into consideration the probable volume and
7 weight of intercounty and intracounty vehicular traffic over such state highways, the density of
8 population and the character of the territory through which such state highways are to be
9 constructed. Durability and low maintenance cost shall be considered in connection with the
10 probable volume and weight of such traffic; provided, that in the construction of state roads, no
11 width of less than twelve feet of hard surface shall be considered.

227.108. In any construction contract, whether involving state or federal funds, the
2 **highways and transportation commission shall require that each person submitting a**
3 **request for qualifications provide a detailed disadvantaged business enterprise**
4 **participation plan. The plan shall provide information describing the experience of the**
5 **person in meeting disadvantaged business enterprise participation goals, how the person**
6 **will meet the department of transportation's disadvantaged business enterprise**
7 **participation goal and such other qualifications that the commission considers to be in the**
8 **best interest of the state.**

234.032. 1. The general assembly may annually appropriate up to one million
2 **dollars from the state revenue fund to fund a project to upgrade nonstate highway system**
3 **bridges. Moneys shall be appropriated to the department of transportation, which shall**
4 **administer the project. Moneys appropriated for this project shall be kept separate from**
5 **all other funds of the department and shall be expended for the purposes specified in this**
6 **section and for no other purpose. The department shall establish procedures to ensure**
7 **accountability for the project funds, and shall require an annual report from the university**
8 **and will provide such information to the governor and the general assembly as required**
9 **in the annual report.**

10 **2. The department shall establish appropriate procedures, in accordance with the**
11 **purposes of this section for selection of project bridges. The department shall utilize one**
12 **of the innovation centers authorized by section 348.271, RSMo, as the contracting**
13 **organization for this project.**

14 **3. Moneys from the project funds shall be used for the analysis and improvement**
15 **of existing nonstate highway system bridges. Bridges that are currently under the**
16 **responsibility for repair or maintenance by the department of transportation shall not be**
17 **eligible for this project.**

18 **4. The project shall utilize the center for infrastructure engineering studies at the**
19 **University of Missouri-Rolla for selection of the applicable bridges that can be improved**
20 **and the lifespan extended by use of technology that has been developed and tested. The**

21 **selection shall be approved by the department of transportation. The selection of bridges**
22 **may consider the following criteria:**

23 **(1) Those bridges whose usage has been seriously hampered by load posting;**

24 **(2) Those bridges that have been approved by the local authority to be included in**
25 **this project;**

26 **(3) Those bridges that restoration can provide the greatest local economic impact;**
27 **and**

28 **(4) Those bridges that, combined together, provide the best overall impact on the**
29 **state.**

30 **5. The center for infrastructure engineering studies at the University of**
31 **Missouri-Rolla shall create and lead an industry consortium to perform the structural**
32 **analysis and technology application required for the improvement of the selected bridges,**
33 **create the required technical data, and provide technology transfer to local communities.**

34 **6. The University of Missouri-Rolla shall match every two dollars appropriated**
35 **with this project pursuant to this section with one dollar from its research funds. Research**
36 **funding for this project may come from:**

37 **(1) Local county, city, or townships;**

38 **(2) Transportation districts;**

39 **(3) Federal government; and**

40 **(4) Private contributions.**

41 **7. State-approved moneys in the projects funds shall in no event be used to defray**
42 **costs normally attributed to institutional overhead. The chargeability of any disputed item**
43 **shall be determined by the department, and decisions of the department with respect to**
44 **selection of applied projects shall be final.**

45 **8. Reasonable and necessary administrative costs for the solicitation and evaluation**
46 **of projects proposals, and for the preparation of reports concerning the project funds, shall**
47 **be chargeable to the project, subject to the approval of the department.**

301.129. There is established in this section an advisory committee for the department
2 of revenue, which shall exist solely to develop uniform designs and common colors for motor
3 vehicle license plates issued under this chapter and to determine appropriate license plate
4 parameters for all license plates issued [under] **pursuant to** this chapter. The advisory
5 committee may adopt more than one type of design and color scheme for license plates issued
6 [under] **pursuant to** this chapter; however, each license plate of a distinct type shall be uniform
7 in design and color scheme with all other license plates of that distinct type. The specifications
8 for the fully reflective material used for the plates, as required by section 301.130, shall be
9 determined by the committee. Such plates shall meet any specific requirements prescribed in this

chapter. The advisory committee shall consist of the director of revenue, the superintendent of the highway patrol, the correctional enterprises administrator, one person appointed by the governor, one state senator appointed by the president pro tem of the senate and one state representative appointed by the speaker of the house of representatives. Prior to April 1, [1996] **2003**, the committee [shall] **may** meet, select a chairman from among their members, and develop uniform design and license plate parameters for the motor vehicle license plates issued [under] **pursuant to** this chapter **with particular emphasis on public safety**. Prior to determining the final design of the plates, the committee shall hold at least three public meetings in different areas of the state to invite public input on the final design. Members of the committee shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties under this section out of funds appropriated for that purpose. The committee shall direct the director of revenue to implement its final design of the uniform motor vehicle license plates and any specific parameters for all license plates developed by the committee not later than April 1, [1996] **2003**. The committee shall be dissolved upon completion of its duties [under] **pursuant to** this section.

302.720. 1. Except when operating under an instruction permit as described in this section, no person may drive a commercial motor vehicle unless the person has been issued a commercial driver's license with applicable endorsements valid for the type of vehicle being operated as specified in sections 302.700 to 302.780. A commercial driver's instruction permit shall allow the holder of a valid license to operate a commercial motor vehicle when accompanied by the holder of a commercial driver's license valid for the vehicle being operated and who occupies a seat beside the individual, or reasonably near the individual in the case of buses, for the purpose of giving instruction in driving the commercial motor vehicle. A commercial driver's instruction permit shall be valid for the vehicle being operated for a period of not more than six months, and shall not be issued until the permit holder has met all other requirements of sections 302.700 to 302.780, except for the driving test. A permit holder, unless otherwise disqualified, may be granted one six-month renewal within a one-year period. The fee for such permit or renewal shall be five dollars. In the alternative, a commercial driver's instruction permit shall be issued for a thirty-day period to allow the holder of a valid driver's license to operate a commercial motor vehicle if the applicant has completed all other requirements except the driving test. The permit may be renewed for one additional thirty-day period and the fee for the permit and for renewal shall be five dollars.

2. No person may be issued a commercial driver's license until he has passed written and driving tests for the operation of a commercial motor vehicle which complies with the minimum federal standards established by the secretary and has satisfied all other requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570), as well as any

22 other requirements imposed by state law. **Applicants for a hazardous materials endorsement**
23 **must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of Pub. Law 107-**
24 **56) as specified and required by regulations promulgated by the secretary.** Nothing
25 contained in this subsection shall be construed as prohibiting the director from establishing
26 alternate testing formats for those who are functionally illiterate; provided, however, that any
27 such alternate test must comply with the minimum requirements of the Commercial Motor
28 Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) as established by the secretary.

29 (1) The written and driving tests shall be held at such times and in such places as the
30 director may designate. A five-dollar examination fee shall be paid by the applicant upon
31 completion of any written or driving test. The director shall delegate the power to conduct the
32 examinations required under sections 302.700 to 302.780 to any member of the highway patrol
33 or any person employed by the highway patrol qualified to give driving examinations.

34 (2) The director shall adopt and promulgate rules and regulations governing the
35 certification of third-party testers by the department of revenue. Such rules and regulations shall
36 substantially comply with the requirements of 49 CFR Part 383, Section 383.75. A certification
37 to conduct third-party testing shall be valid for one year, and the department shall charge a fee
38 of one hundred dollars to issue or renew the certification of any third-party tester. Any
39 third-party tester who violates any of the rules and regulations adopted and promulgated pursuant
40 to this section shall be subject to having his certification revoked by the department. The
41 department shall provide written notice and an opportunity for the third-party tester to be heard
42 in substantially the same manner as provided in chapter 536, RSMo. If any applicant submits
43 evidence that he has successfully completed a test administered by a third-party tester, the actual
44 driving test for a commercial driver's license may then be waived.

45 (3) Every applicant for renewal of a commercial driver's license shall provide such
46 certifications and information as required by the secretary and if such person transports a
47 hazardous material **must also meet the requirements of the U.S. Patriot Act of 2001 (Title X**
48 **of Pub. Law 107-56) as specified and required by regulations promulgated by the**
49 **secretary,** such person shall be required to take the written test for such endorsement. A
50 five-dollar examination fee shall be paid for each test taken.

51 3. The director may waive the driving test for a commercial driver's license if such
52 applicant provides the certifications required by regulations established by the secretary as a
53 substitute for the driving test and holds a valid license.

54 4. The certifications may include, but not be limited to, stating that during the two-year
55 period immediately prior to applying for a commercial driver's license the applicant:

56 (1) Has not had more than one license;

57 (2) Has not had any license suspended, revoked, canceled or disqualified;

58 (3) Has not had a conviction in any type of motor vehicle for driving while intoxicated,
59 driving while under the influence of alcohol or controlled substance, leaving the scene of an
60 accident or felony involving the use of a commercial motor vehicle;

61 (4) Has not violated any state law or county or municipal ordinance relating to the
62 operation of a motor vehicle in connection with an accident; and

63 (5) Has no record of an accident in which such applicant was at fault.

64 5. In order to be valid as a certification exempting the applicant from the driving test, the
65 applicant shall also provide evidence and certify that:

66 (1) He is regularly employed in a job requiring him to drive a commercial motor vehicle;
67 and

68 (2) He has previously taken and passed a driving test given by a state with a classified
69 licensing and testing system, and that the test was behind the wheel in a representative vehicle
70 for that applicant's license classification; or

71 (3) He has operated, for at least two years immediately preceding application for a
72 commercial driver's license, a vehicle representative of the commercial motor vehicle the
73 applicant drives or expects to drive.

74 6. A commercial driver's license may not be issued to a person while the person is
75 disqualified from driving a commercial motor vehicle, when a disqualification is pending in any
76 state or while the person's driver's license is suspended, revoked, or canceled in any state; nor
77 may a commercial driver's license be issued unless the person first surrenders in a manner
78 prescribed by the director any commercial driver's license issued by another state, which license
79 shall be returned to the issuing state for cancellation.

304.001. As used in this chapter and chapter 307, RSMo, the following terms shall
2 mean:

3 (1) "Abandoned property", any unattended motor vehicle, trailer, all-terrain vehicle,
4 outboard motor or vessel removed or subject to removal from public or private property as
5 provided in sections 304.155 and 304.157, whether or not operational **or any motor vehicle**
6 **involved in an accident whereby a law enforcement official requests such vehicle to be**
7 **removed from the scene because the operator or owner is unable to arrange for the**
8 **abandoned property's timely removal;**

9 (2) "Commercial vehicle enforcement officers", employees of the Missouri state highway
10 patrol who are not members of the patrol but who are appointed by the superintendent of the
11 highway patrol to enforce the laws, rules, and regulations pertaining to commercial vehicles,
12 trailers, special mobile equipment and drivers of such vehicles;

13 (3) "Commercial vehicle inspectors", employees of the Missouri state highway patrol
14 who are not members of the patrol but who are appointed by the superintendent of the highway

15 patrol to supervise or operate permanent or portable weigh stations in the enforcement of
16 commercial vehicle laws;

17 (4) "Commission", the state highways and transportation commission;

18 (5) "Department", the state transportation department;

19 (6) "Freeway", a divided state highway with four or more lanes, with no access to the
20 throughways except the established interchanges and with no at-grade crossings;

21 (7) "Interstate highway", a state highway included in the national system of interstate
22 highways located within the boundaries of Missouri, as officially designated or as may be
23 hereafter designated by the state highways and transportation commission with the approval of
24 the Secretary of Transportation, pursuant to Title 23, U.S.C., as amended;

25 (8) "Members of the patrol", the superintendent, lieutenant colonel, majors, captains,
26 director of radio, lieutenants, sergeants, corporals and patrolmen of the Missouri state highway
27 patrol;

28 (9) "Off-road vehicle", any vehicle designed for or capable of cross-country travel on or
29 immediately over land, water, ice, snow, marsh, swampland, or other natural terrain without
30 benefit of a road or trail:

31 (a) Including, without limitation, the following:

32 a. Jeeps;

33 b. All-terrain vehicles;

34 c. Dune buggies;

35 d. Multiwheel drive or low-pressure tire vehicles;

36 e. Vehicle using an endless belt, or tread or treads, or a combination of tread and
37 low-pressure tires;

38 f. Motorcycles, trail bikes, minibikes and related vehicles;

39 g. Any other means of transportation deriving power from any source other than muscle
40 or wind; and

41 (b) Excluding the following:

42 a. Registered motorboats;

43 b. Aircraft;

44 c. Any military, fire or law enforcement vehicle;

45 d. Farm-type tractors and other self-propelled equipment for harvesting and transporting
46 farm or forest products;

47 e. Any vehicle being used for farm purposes, earth moving, or construction while being
48 used for such purposes on the work site;

49 f. Self-propelled lawnmowers, or lawn or garden tractors, or golf carts, while being used
50 exclusively for their designed purpose; and

- 51 g. Any vehicle being used for the purpose of transporting a handicapped person;
52 (10) "Person", any natural person, corporation, or other legal entity;
53 (11) "Right-of-way", the entire width of land between the boundary lines of a state
54 highway, including any roadway;
55 (12) "Roadway", that portion of a state highway ordinarily used for vehicular travel,
56 exclusive of the berm or shoulder;
57 (13) "State highway", a highway constructed or maintained by the state highways and
58 transportation commission with the aid of state funds or United States government funds, or any
59 highway included by authority of law in the state highway system, including all right-of-way;
60 (14) "Towing company", any person or entity which tows, removes or stores abandoned
61 property;
62 (15) "Urbanized area", an area with a population of fifty thousand or more designated
63 by the Bureau of the Census, within boundaries to be fixed by the state highways and
64 transportation commission and local officials in cooperation with each other and approved by
65 the Secretary of Transportation. The boundary of an urbanized area shall, at a minimum,
66 encompass the entire urbanized area as designed by the Bureau of the Census.

304.370. 1. For the purpose of this section, hazardous materials shall be defined pursuant to Part 397, Title 49, Code of Federal Regulations, as adopted and amended.

2. No person shall transport hazardous materials in or through any highway tunnel located beneath any airport runway in this state. For purposes of this section, a tunnel shall be defined as a horizontal subterranean passageway through or under an obstruction of a length of one hundred yards or more.

3. No person shall park a vehicle containing hazardous materials within three hundred feet of any highway tunnel located beneath any airport runway in this state except as provided pursuant to Part 397, Title 49, Code of Federal Regulations, as such regulations have been and may periodically be amended.

4. Any person who is found or pleads guilty to a violation of this section shall be guilty of a class B misdemeanor. Any person who is found or pleads guilty to a second or subsequent violation of this section shall be guilty of a class A misdemeanor. Violations of this section shall be enforced pursuant to section 390.201, RSMo.

305.230. 1. The state highways and transportation commission shall administer an aeronautics program within this state. The [state] commission shall encourage, foster and participate with the political subdivisions of this state in the promotion and development of aeronautics. The [state] commission may provide financial assistance in the form of grants from funds appropriated for such purpose to any political subdivision or instrumentality of this state acting independently or jointly or to the owner or owners of any privately owned airport

7 designated as a reliever by the Federal Aviation Administration for the planning, acquisition,
8 construction, improvement or maintenance of airports, or for other aeronautical purposes.

9 2. Any political subdivision or instrumentality of this state or the owner or owners of any
10 privately owned airport designated as a reliever by the Federal Aviation Administration receiving
11 state funds for the purchase, construction, or improvement, except maintenance, of an airport
12 shall agree before any funds are paid to it to control by ownership or lease the airport for a period
13 equal to the useful life of the project as determined by the [state] commission following the last
14 payment of state or federal funds to it. In the event an airport authority ceases to exist for any
15 reason, this obligation shall be carried out by the governing body which created the authority.

16 3. Unless otherwise provided, grants to political subdivisions, instrumentalities or to the
17 owner or owners of any privately owned airport designated as a reliever by the Federal Aviation
18 Administration shall be made from the aviation trust fund. In making grants, the commission
19 shall consider whether the local community has given financial support to the airport in the past.
20 Priority shall be given to airports with local funding for the past five years with no reduction in
21 such funding. The aviation trust fund is a revolving trust fund exempt from the provisions of
22 section 33.080, RSMo, relating to the transfer of funds to the general revenue funds of the state
23 by the state treasurer. All interest earned upon the balance in the aviation trust fund shall be
24 deposited to the credit of the same fund.

25 4. The moneys in the aviation trust fund shall be administered by the [state] commission
26 and, when appropriated, shall be used for the following purposes:

27 (1) As matching funds on an up to [eighty] **ninety** percent [state/twenty] **state/ten**
28 percent local basis, except in the case where federal funds are being matched, when the ratio of
29 state and local funds used to match the federal funds shall be fifty percent state/fifty percent
30 local:

31 (a) For preventive maintenance of runways, taxiways and aircraft parking areas, and for
32 emergency repairs of the same;

33 (b) For the acquisition of land for the development and improvement of airports;

34 (c) For the earthwork and drainage necessary for the construction, reconstruction or
35 repair of runways, taxiways, and aircraft parking areas;

36 (d) For the construction, or restoration of runways, taxiways, or aircraft parking areas;

37 (e) For the acquisition of land or easements necessary to satisfy Federal Aviation
38 Administration safety requirements;

39 (f) For the identification, marking or removal of natural or manmade obstructions to
40 airport control zone surfaces and safety areas;

41 (g) For the installation of runway, taxiway, boundary, ramp, or obstruction lights,
42 together with any work directly related to the electrical equipment;

- 43 (h) For the erection of fencing on or around the perimeter of an airport;
44 (i) For purchase, installation or repair of air navigational and landing aid facilities and
45 communication equipment;
46 (j) For engineering related to a project funded under the provisions of this section and
47 technical studies or consultation related to aeronautics;
48 (k) For airport planning projects including master plans and site selection for
49 development of new airports, for updating or establishing master plans and airport layout plans
50 at existing airports;
51 (l) For the purchase, installation, or repair of safety equipment and such other capital
52 improvements and equipment as may be required for the safe and efficient operation of the
53 airport;
54 (2) As total funds, with no local match:
55 (a) For providing air markers, windsocks, and other items determined to be in the interest
56 of the safety of the general flying public;
57 (b) For the printing and distribution of state aeronautical charts and state airport
58 directories on an annual basis, and a newsletter on a quarterly basis or the publishing and
59 distribution of any public interest information deemed necessary by the [state] commission;
60 (c) For the conducting of aviation safety workshops;
61 (d) For the promotion of aerospace education;
62 (3) As total funds with no local match, up to five hundred thousand dollars per year may
63 be used for the cost of operating existing air traffic control towers that do not receive funding
64 from the Federal Aviation Administration or the **United States** Department of Defense, except
65 no more than one hundred twenty-five thousand dollars per year may be used for any individual
66 control tower.
- 67 5. In the event of a natural or manmade disaster which closes any runway or renders
68 inoperative any electronic or visual landing aid at an airport, any funds appropriated for the
69 purpose of capital improvements or maintenance of airports may be made immediately available
70 for necessary repairs once they are approved by the [Missouri department of transportation]
71 **commission**. For projects designated as emergencies by the [Missouri department of
72 transportation] **commission**, all requirements relating to normal procurement of engineering and
73 construction services are waived.
- 74 6. As used in this section, the term "instrumentality of the state" shall mean any state
75 educational institution as defined in section 176.010, RSMo, or any state agency which owned
76 or operated an airport on January 1, 1997, and continues to own or operate such airport.
- 307.205. 1. For the purposes of this section, "electric personal assistive mobility
2 device" (EPAMD) shall mean a self-balancing, two nontandem wheeled device, designed**

3 to transport only one person, with an electric propulsion system with an average power of
4 seven hundred fifty watts (one horsepower), whose maximum speed on a paved level
5 surface, when powered solely by such a propulsion system while ridden by an operator
6 who weighs one hundred seventy pounds, is less than twenty miles per hour.

7 2. An electric personal assistive mobility device may be operated upon a street,
8 highway, sidewalk, and bicycle path. Every person operating such a device shall be
9 granted all of the rights and be subject to all of the duties applicable to a pedestrian
10 pursuant to chapter 304, RSMo.

11 3. Persons under sixteen years of age shall not operate an electric personal assistive
12 mobility device, except for an operator with a mobility-related disability.

13 4. An electric personal assistive mobility device shall be operated only on roadways
14 with a speed limit of forty-five miles per hour or less. This shall not prohibit the use of
15 such device when crossing roadways with speed limits in excess of forty-five miles per hour.

16 5. A city or town shall have the authority to regulate the operation of an electric
17 personal assistive mobility device within its city or town limits.

307.207. Every electric personal assistive mobility device (EPAMD) when in use on
2 a roadway during the period from one-half hour after sunset to one-half hour before
3 sunrise shall be equipped with the following:

4 (1) A front-facing lamp on the front or carried by the rider which shall emit a white
5 light visible at night under normal atmospheric conditions on a straight, level, unlighted
6 roadway at five hundred feet;

7 (2) A rear-facing red reflector, at least two square inches in reflective surface area,
8 or a rear-facing red lamp, on the rear which shall be visible at night under normal
9 atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle
10 driver under the lower beams of vehicle headlights at six hundred feet.

307.209. Every person operating an electric personal assistive mobility device
2 (EPAMD) at less than the posted speed or slower than the flow of traffic upon a street or
3 highway shall ride as near to the right side of the roadway as safe, exercising due care
4 when passing a standing vehicle or one proceeding in the same direction, except when
5 making a left turn, when avoiding hazardous conditions, when the lane is too narrow to
6 share with another vehicle, or when on a one-way street.

307.211. Any person seventeen years of age or older who violates any provision of
2 sections 307.205 to 307.211 is guilty of an infraction and, upon conviction thereof, shall be
3 punished by a fine of not less than five dollars nor more than twenty-five dollars. Such an
4 infraction does not constitute a crime and conviction shall not give rise to any disability or
5 legal disadvantage based on conviction of a criminal offense. If any person under

6 **seventeen years of age violates any provision of section 307.205 to 307.211 in the presence**
7 **of a peace officer possessing the duty and power of arrest for violation of the general**
8 **criminal laws of the state or for violation of ordinances of counties or municipalities of the**
9 **state, said officer may impound the electric personal assistive mobility device (EPAMD)**
10 **involved for a period not to exceed five days upon issuance of a receipt to the child riding**
11 **it or to its owner.**

Section B. Section A of this act is hereby submitted to the qualified voters of this state
2 for approval or rejection at an election which is hereby ordered and which shall be held and
3 conducted on the Tuesday immediately following the first Monday in November, 2002, or at a
4 special election to be called by the governor for that purpose, pursuant to the laws and
5 constitutional provisions of this state applicable to general elections and the submission of
6 referendum measures by initiative petition, and section A of this act shall become effective
7 January 1, 2003, if approved by a majority of the votes cast thereon at such election and not
8 otherwise.

Section C. At the general election on the first Tuesday immediately following the first
2 Monday in November 2002, and every ten years thereafter, the secretary of state shall submit to
3 the electors of this state the question: "Shall the additional revenues for transportation included
4 in sections 144.020 and 144.021, as approved by the voters in the November 2002 general
5 election or any special election called by the governor for such purpose, be renewed and
6 extended for ten years?". If a majority of the votes cast thereon is for the affirmative, the
7 additional revenues shall be renewed and extended for ten years. If a majority of the votes cast
8 thereon is for the negative, the decennial referendum provision of this section, the increase in
9 rates included in sections 144.020 and 144.021, as approved by the voters in the November 2002
10 general election or any special election called by the governor for such purpose and which direct
11 the deposit and use of revenues pursuant to section A of this act shall expire on July first
12 following the election and return to the provisions in effect on January 1, 2002.